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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			BELL, MELTIN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,647

Applicant(s)

IEMOTO ET AL.

Examiner

Mettin Bell

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to application **09/866,647** filed 05/30/2001 as well as the Amendment filed 12/30/04. Claims 1-26 filed by the applicant have been entered and examined. An action on the merits of claims 1-26 appears below.

Priority

Applicant's claim for foreign priority against application number 2000-398404 filed in Japan on **12/27/00** under 35 U.S.C. 119(a)-(d) is acknowledged.

Claim Rejections - 35 USC § 103

Applicant's arguments with respect to claims 1-23 have been considered but are not persuasive. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

Art Unit: 2121

made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being obvious over *Siefert* USPN 5,810,605 "Computerized repositories applied to education" (September 22, 1998) in view of *Minkus* USPN 5,122,952 "Method and apparatus for automated learning tool selection for child development" (June 16, 1992) in view of *Brown et al* USPN 6,206,700 "Apparatus and method for interactive adaptive learning by an individual through at least one of a stimuli presentation device and a user perceivable display" (Patented March 27, 2001; Filed October 14, 1994) and in further view of *Andre et al* "Integrating Models of Personality and Emotions into Lifelike Characters" (Oct. 1999).

Regarding claim 1:

Siefert teaches,

- a memory having a first memory area for storing a plurality of teaching material elements including text, video and/or audio data, and having a second memory area for storing teaching material presentation patterns (column 6, lines 34-36, "The person, or...of the REPOSITORY"; column 6, lines 45-64, "Each RESOURCE Has...of the cards"; column 8, lines 58-61, "RESOURCES include all...programs which teach";

Art Unit: 2121

column 13, lines 66-67, "The learning of...the student to"; column 14, lines 1-4, "master in overall...learned in parts")

- first processor for providing a questionnaire to a user and storing the determined teaching material presentation pattern in said second memory area (column 6, lines 22-25, "If the RESOURCE...and launches it")

- second processor for retrieving said teaching material presentation pattern for said user from said second memory area, selecting and editing ones of a plurality of teaching material elements of a specific subject in said first memory area in accordance with said teaching material presentation pattern to generate a teaching material module, and presenting said teaching material module to said user in accordance with said teaching material presentation pattern (FIG. 1)

- third processor for storing said presentation pattern in said second memory area (column 4, lines 60-67, "CLS Uses Multiple...available telephone channels")

However, *Siefert* doesn't explicitly teach analyzing an answer to said questionnaire to determine a trait of said user related to personality, and for determining a teaching material presentation pattern for said user in accordance with said determined trait of said user or analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern, dynamically modifying said teaching material presentation pattern based on the trait and the learning behavior of said user, and storing said modified presentation pattern in said second memory area while *Minkus* teaches,

Art Unit: 2121

- analyzing an answer to said questionnaire (column 1, lines 50-62, "These and other ... tools are selected") to determine a trait of said user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated"), and for determining a teaching material presentation pattern for said user in accordance with said determined trait of said user

Brown et al teaches,

- analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern (Abstract, "An interactive adaptive ... strategies or needs"), dynamically modifying said teaching material presentation pattern based on the learning behavior of said user (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"), and storing said modified presentation pattern (column 8, lines 55-59, "audio, pictorial, and text ... existing core stimuli") in said memory area (Fig. 1; column 7, lines 29-31, "FIG. 2 depicts diagrammatically the ... use of memory"; column 7, lines 66-67, "memory also contains ... specific course to"; column 8, lines 1-2, "allow variety for ... levels of difficulty"; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Andre et al teaches,

- dynamically modifying said teaching material presentation pattern based on the trait (page 1, Introduction, paragraph 2, "The German Research ... project features an"; page 2, paragraph 1, "Inhabited Market Place ... in more detail")

Art Unit: 2121

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, “Computer-assisted methods and ... for the child”), dynamically adapting to the user’s particular learning strategies or needs (*Brown et al*, Abstract, “An interactive adaptive ... strategies or needs”) and tailoring the presentation to an individual person (*Andre et al*, page 9, The Role of Affect in Presence, paragraph 1, “The Presence project ... of virtual characters”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus*, *Brown et al* and *Andre et al* for the purpose of selecting and matching learning tools that possess developmental value as well as dynamically adapting to the user’s particular learning strategies or needs and tailoring the presentation.

Regarding claim 2:

The rejection of claim 2 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 2’s limitations difference is taught in *Siefert*:

- said second processor further retrieves said modified teaching material presentation pattern for said user from said second memory area, selects and edits ones of said plurality of teaching material elements of said specific subject in said first memory area in accordance with said modified presentation pattern to generate another teaching material module, and presents said other teaching material module to said user in accordance with said modified presentation pattern (column 15, lines 53-67, “The computer system...and practice situations”)

Art Unit: 2121

Regarding claim 3:

The rejection of claim 3 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 4:

The rejection of claim 4 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 4's limitations difference is taught in *Brown et al*:

- said teaching material presentation pattern defines specific magnitudes related to difficulty, required time and dissimilarity of the teaching material elements (Figs. 7, 8A-F 14A-D)

Regarding claim 5:

The rejection of claim 5 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 5's limitations difference is taught in *Siefert*:

- questionnaire comprises first and second portions and said second portion of said questionnaire is determined depending on an answer to said first portion of said questionnaire and is provided after said first portion of said questionnaire is provided (column 7, lines 13-25, "The LEARNING PROFILE...LEARNING PROFILE generation"; column 9, lines 1-25, "Based on PROFILES...given by computer")

Art Unit: 2121

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 6's limitations difference is taught in *Siefert*:

- said first processor analyzes the answer to said questionnaire to further determine a trait of said user related to general life attitude (column 14, lines 4-23, "The main external...conditions of Gagne"; Table 4.2)

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 6 as recited above since the stated limitations of the claim are set forth in the references. Claim 7's limitations difference is taught in *Siefert*:

- said first processor determines said trait of said user related to learning attitude in accordance with said personality trait and said trait of general life attitude (column 12, lines 65-67, "Gagne classified all...skills, and attitudes"; column 13, lines 1-33, Examples of these...some are "external"; Table 3.1)

Regarding claim 8:

The rejection of claim 8 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 8's limitations difference is taught in *Siefert*:

- said teaching material element is a video clip (column 16, lines 53-59, "CLS identified Unit...begins Unit 1")

Regarding claim 9:

The rejection of claim 9 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 10:

Siefert teaches,

- a memory and a processor, said memory having a first memory area for storing a plurality of teaching material elements including text, video and/or audio data, and having a second memory area for storing a teaching material presentation pattern, said program enabling said processor to perform the steps of: (column 6, lines 22-25, "If the RESOURCE...and launches it"; column 6, lines 34-36, "The person, or...of the REPOSITORY"; column 6, lines 45-64, "Each RESOURCE Has...of the cards"; column 8, lines 57-61, "RESOURCES include all...programs which teach"; column 13, lines 66-67, "The learning of...the student to"; column 14, lines 1-4, "master in overall...learned in parts")
- providing a questionnaire to a user (column 12, lines 20-28, "the matched students...different personality characteristics")
- determining a teaching material presentation pattern for said user (column 7, lines 13-17, "The LEARNING PROFILE...loaded into CLS")
- retrieving said teaching material presentation pattern for said user from said second memory area, selecting and editing ones of a plurality of teaching material elements of a specific subject in said first memory area in accordance with said teaching material presentation pattern to generate a teaching material module, and presenting said

Art Unit: 2121

teaching material module to said user in accordance with said teaching material presentation pattern (column 13, lines 66-67, "The learning of...the student to"; column 14, lines 1-4, "master in overall...learned in parts"; column 15, lines 62-64, "the computer will...subject is requested")

However, *Siefert* doesn't explicitly teach analyzing an answer to said questionnaire to determine a trait of said user related to personality, in accordance with said determined trait of said user and storing the determined teaching material presentation pattern in said second memory area or analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern, dynamically modifying said teaching material presentation pattern based on the trait and the learning behavior of said user, and storing said modified presentation pattern in said second memory area while *Minkus* teaches,

- analyzing an answer to said questionnaire (column 1, lines 50-62, "These and other ... tools are selected") to determine a trait of said user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")

- in accordance with said determined trait of said user and storing (column 13, lines 33-63, "These identified characteristics ... mass storage device"; column 37, lines 30-42, "The information from ... a user number") the determined teaching material presentation pattern (column 2, lines 15-28, "The VIP data ... of the child") in said second memory area (column 3, lines 6-16, "At least one ... data storage device")

Brown et al teaches,

Art Unit: 2121

- analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern (Abstract, "An interactive adaptive ... strategies or needs"), dynamically modifying said teaching material presentation pattern based on the learning behavior of said user (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"), and storing said modified presentation pattern (column 8, lines 55-59, "audio, pictorial, and text ... existing core stimuli") in said memory area (Fig. 1; column 7, lines 29-31, "FIG. 2 depicts diagrammatically the ... use of memory"; column 7, lines 66-67, "memory also contains ... specific course to"; column 8, lines 1-2, "allow variety for ... levels of difficulty"; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Andre et al teaches,

- dynamically modifying said teaching material presentation pattern based on the trait (page 1, Introduction, paragraph 2, "The German Research ... project features an"; page 2, paragraph 1, "Inhabited Market Place ... in more detail")

Motivation – The portions of the claimed program would have been a highly desirable feature in this art for selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, "Computer-assisted methods and ... for the child"), dynamically adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs") and tailoring the presentation to an individual person (*Andre et al*, page 9, The Role of Affect in Presence, paragraph 1, "The Presence project ... of virtual characters"). Therefore, it would have been obvious

Art Unit: 2121

to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus*, *Brown et al* and *Andre et al* for the purpose of selecting and matching learning tools that possess developmental value as well as dynamically adapting to the user's particular learning strategies or needs and tailoring the presentation.

Regarding claim 11:

The rejection of claim 11 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 11's limitations difference is taught in *Siefert*:

- enabling said processor to retrieve said modified teaching material presentation pattern for said user from said second memory area, selecting and editing ones of said plurality of teaching material elements of said specific subject in said first memory area in accordance with said modified presentation pattern to generate another teaching material module, and presenting said other teaching material module to said user in accordance with said modified presentation pattern (column 15, lines 53-67, "The computer system...and practice situations")

Regarding claim 12:

The rejection of claim 12 is the same as that for claim 10 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 13's limitations difference is taught in *Brown et al*:

Art Unit: 2121

- said teaching material presentation pattern defines specific magnitudes related to difficulty, required time and dissimilarity of the teaching material elements (Figs. 7, 8A-F 14A-D)

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 14's limitations difference is taught in *Siefert*:

- said questionnaire comprises first and second portions, and said second portion of said questionnaire is determined depending on an answer to said first portion of said questionnaire, and is provided after said first portion of said questionnaire is provided (column 7, lines 13-25, "The LEARNING PROFILE...LEARNING PROFILE generation"; column 9, lines 1-25, "Based on PROFILES...given by computer")

Regarding claim 15:

The rejection of claim 15 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 15's limitations difference is taught in *Siefert*:

- providing a questionnaire and, determining a trait comprises analyzing the answer to said questionnaire to further determine a trait of said user related to general life attitude (column 14, lines 4-23, "The main external...conditions of Gagne"; Table 4.2)

Art Unit: 2121

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 15 as recited above since the stated limitations of the claim are set forth in the references. Claim 16's limitations difference is taught in *Siefert*:

- providing a questionnaire and determining a trait comprises determining said trait of said user related to learning attitude in accordance with said personality trait and said trait of general life attitude (column 12, lines 65-67, "Gagne classified all...skills, and attitudes"; column 13, lines 1-33, Examples of these...some are "external"; Table 3.1)

Regarding claim 17:

The rejection of claim 17 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 17's limitations difference is taught in *Siefert*:

- said teaching material element is a video clip (column 16, lines 53-59, "CLS identified Unit...begins Unit 1")

Regarding claim 18:

The rejection of claim 18 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 19:

Siefert teaches,

- providing a questionnaire to a user (column 12, lines 20-28, "the matched students...different personality characteristics")

Art Unit: 2121

- determining a teaching material presentation pattern (column 7, lines 13-17, "The LEARNING PROFILE...loaded into CLS")
- selecting and editing ones of a plurality of teaching material elements of a specific subject in accordance with said teaching material presentation pattern for said user to generate a teaching material module, and presenting said teaching material module to said user in accordance with said teaching material presentation pattern (column 13, lines 66-67, "The learning of...the student to"; column 14, lines 1-4, "master in overall...learned in parts"; column 15, lines 62-64, "the computer will... subject is requested")

However, *Siefert* doesn't explicitly teach analyzing an answer to said questionnaire to determine a trait of said user related to personality, determining a teaching material presentation pattern for said user in accordance with the trait of said user or analyzing learning behavior of said user during a learning process of said user via the computer-implemented education system during a learning process of said user using said presented teaching material module, and dynamically modifying said teaching material presentation pattern based on the trait and the learning behavior of said user while *Minkus* teaches,

- analyzing an answer to said questionnaire (column 1, lines 50-62, "These and other ... tools are selected") to determine a trait of said user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")
- determining a teaching material presentation pattern (column 2, lines 15-28, "The VIP data ... of the child") for said user in accordance with the trait of said user

Brown et al teaches,

- analyzing learning behavior of said user during a learning process of said user via the computer-implemented education system during a learning process of said user using said presented teaching material module (Abstract, "An interactive adaptive ... strategies or needs"), and dynamically modifying said teaching material presentation pattern based on the learning behavior of said user (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Andre et al teaches,

- dynamically modifying said teaching material presentation pattern based on the trait (page 1, Introduction, paragraph 2, "The German Research ... project features an"; page 2, paragraph 1, "Inhabited Market Place ... in more detail")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, "Computer-assisted methods and ... for the child"), dynamically adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs") and tailoring the presentation to an individual person (*Andre et al*, page 9, The Role of Affect in Presence, paragraph 1, "The Presence project ... of virtual characters"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus*, *Brown et al* and *Andre et al* for the purpose of selecting and matching

Art Unit: 2121

learning tools that possess developmental value as well as dynamically adapting to the user's particular learning strategies or needs and tailoring the presentation.

Regarding claim 20:

The rejection of claim 20 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 20's limitations difference is taught in *Siefert*:

- retrieving said modified teaching material presentation pattern for said user from said second memory area, selecting and editing ones of said plurality of teaching material elements of said specific subject in said first memory area in accordance with said modified presentation pattern to generate another teaching material module, and presenting said other teaching material module to said user in accordance with said modified presentation pattern (column 15, lines 53-67, "The computer system...and practice situations")

Regarding claim 21:

The rejection of claim 21 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 21's limitations difference is taught in *Brown et al*:

- said teaching material presentation pattern defines specific magnitudes related to difficulty, required time and dissimilarity of the teaching materials (Figs. 7, 8A-F 14A-D)

Art Unit: 2121

Regarding claim 22:

The rejection of claim 22 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 22's limitations difference is taught in *Siefert*:

- providing a questionnaire and determining a trait comprises analyzing the answer to said questionnaire to further determine a trait of said user related to general life attitude (column 14, lines 4-23, "The main external... conditions of Gagne"; Table 4.2)

Regarding claim 23:

The rejection of claim 23 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 23's limitations difference is taught in *Siefert*:

- said teaching material module presented to said user is provided to an information processing terminal of said user (column 4, lines 60-67, "CLS Uses Multiple...available telephone channels"; FIG. 1)

Regarding claim 25:

Siefert teaches,

- a processor for providing a questionnaire to a user (column 6, lines 20-25, "A second feature ... and launches it"; column 16, lines 17-24, "Evaluation and revision ... that student's experience")
- a device determines a teaching material presentation pattern for the user (column 8, lines 65-67, "The Intelligent Administrator ... does the following."; column 9, lines 1-25, "1. Based on PROFILES ... given by computer")

Art Unit: 2121

- a storage device for storing the determined teaching material presentation pattern of the user (Abstract, "The invention concerns ... and a professor")

- a display unit to present a teaching material to the user in accordance with the determined teaching material presentation pattern (column 16, lines 1-2, "When the remedial ... score is displayed"; column 20, lines 22-24, "displaying, on a ... plurality of computers")

However, *Siefert* doesn't explicitly teach an input device for receiving a response to the questionnaire from the user based on which the processor determines a trait of the user related to personality, and determines a teaching material presentation pattern for the user or the processor analyzes learning behavior of the user during a learning process and dynamically modifies the teaching material presentation pattern based on the trait and the learning behavior of the user, and stores the modified presentation in the storage device while *Minkus* teaches,

- an input device (Fig. 1, item 3; column 3, lines 6-16, "At least one ... data storage device") for receiving a response to the questionnaire from the user (column 1, lines 50-62, "These and other ... tools are selected") based on which the processor determines a trait of the user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")

Brown et al teaches,

- the processor (column 6, lines 42-49, "FIG. 1 diagrammatically depicts a ... meg hard drive") analyzes learning behavior of the user during a learning process (Abstract, "An interactive adaptive ... strategies or needs") and dynamically modifies the teaching

Art Unit: 2121

material presentation pattern based on the learning behavior of the user (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"), and stores the modified presentation in the storage device (column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Andre et al teaches,

- the processor dynamically modifies the teaching material presentation pattern based on the trait (page 1, Introduction, paragraph 2, "The German Research ... project features an"; page 2, paragraph 1, "Inhabited Market Place ... in more detail")

Motivation – The portions of the claimed system would have been a highly desirable feature in this art for selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, "Computer-assisted methods and ... for the child"), dynamically adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs") and tailoring the presentation to an individual person (*Andre et al*, page 9, The Role of Affect in Presence, paragraph 1, "The Presence project ... of virtual characters"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus*, *Brown et al* and *Andre et al* for the purpose of selecting and matching learning tools that possess developmental value as well as dynamically adapting to the user's particular learning strategies or needs and tailoring the presentation.

Art Unit: 2121

Regarding claim 26:

Siefert teaches,

- A method for adaptively (column 7, lines 62-67, "Both methods have ... the student's preference"; column 8, lines 1-2, "such as for ... is instructed accordingly") presenting a teaching material to a user (column 6, lines 34-36, "The person, or... of the REPOSITORY"; column 6, lines 45-64, "Each RESOURCE Has... of the cards"; column 8, lines 58-61, "RESOURCES include all... programs which teach"; column 13, lines 66-67, "The learning of... the student to"; column 14, lines 1-4, "master in overall... learned in parts"; column 6, lines 22-25, "If the RESOURCE... and launches it") using a computer-implemented education system (FIG. 1), comprising

However, *Siefert* doesn't explicitly teach analyzing a learning behavior of the user based on a response to a questionnaire provided to the user, the response to the questionnaire being used to determine a trait of the user related to personality and a teaching material presentation pattern for the user or presenting a teaching material to the user in accordance with the determined teaching material presentation pattern determined based on the trait of said user and further analyzing the learning behavior of the user during a learning process for dynamic modification of the teaching material presentation pattern and presenting the teaching material accordingly while *Minkus* teaches,

- analyzing a response to a questionnaire provided to the user (column 1, lines 50-62, "These and other ... tools are selected"), the response to the questionnaire being used to determine a trait of the user related to personality (column 37, lines 55-58, "The

Art Unit: 2121

strengths, weaknesses ... list is generated”) and a teaching material presentation pattern for the user

Brown et al teaches,

- analyzing a learning behavior of the user (Abstract, “An interactive adaptive ... strategies or needs”; column 9, lines 16-44, “as shown in FIG. 2 ... best learning strategies”) and a teaching material presentation pattern for the user
- presenting a teaching material to the user in accordance with the determined teaching material presentation pattern (Abstract, “An interactive adaptive ... strategies or needs”) and further analyzing the learning behavior of the user during a learning process for dynamic modification of the teaching material presentation pattern (column 9, lines 16-44, “as shown in FIG. 2 ... best learning strategies”) and presenting the teaching material accordingly

Andre et al teaches,

- the determined teaching material presentation pattern determined based on the trait of said user and further analyzing the learning behavior of the user during a learning process for dynamic modification of the teaching material presentation pattern and presenting the teaching material accordingly (page 1, Introduction, paragraph 2, “The German Research ... project features an”; page 2, paragraph 1, “Inhabited Market Place ... in more detail”)

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, “Computer-assisted methods and ... for the child”), dynamically

Art Unit: 2121

adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs") and tailoring the presentation to an individual person (*Andre et al*, page 9, The Role of Affect in Presence, paragraph 1, "The Presence project ... of virtual characters"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus*, *Brown et al* and *Andre et al* for the purpose of selecting and matching learning tools that possess developmental value as well as dynamically adapting to the user's particular learning strategies or needs and tailoring the presentation.

Claim 24 is rejected under 35 U.S.C. 103(a) as being obvious over *Brown et al* in view of *Minkus* and in further view of *Andre et al*.

Regarding claim 24:

Brown et al teaches,

- presenting teaching materials (Figs. 1-2; column 1, lines 25-28, "teaching of reading ... more difficult tasks"; column 1, lines 58-60, "standardized training materials ... or perception skills")
- analyzing learning behavior of the user during a learning process (Abstract, "An interactive adaptive ... strategies or needs"), wherein the teaching materials are dynamically modified based on the learning behavior of the user and presented to the user (Fig. 2; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 9, lines 6-44, "it is shown ... best learning strategies")

Art Unit: 2121

However, *Brown et al* doesn't explicitly teach presenting teaching materials based on information related to traits of the user or the teaching materials are dynamically modified based on the trait while *Minkus* teaches,

- presenting teaching materials based on information (column 1, lines 50-62, "These and other ... tools are selected") related to traits of the user (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")

Andre et al teaches,

- the teaching materials are dynamically modified based on the trait (page 1, Introduction, paragraph 2, "The German Research ... project features an"; page 2, paragraph 1, "Inhabited Market Place ... in more detail")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, "Computer-assisted methods and ... for the child") and tailoring the presentation to an individual person (*Andre et al*, page 9, The Role of Affect in Presence, paragraph 1, "The Presence project ... of virtual characters"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Brown et al* as taught by *Minkus* and *Andre et al* for the purpose of selecting and matching learning tools that possess developmental value and tailoring the presentation.

RESPONSE TO APPLICANTS' AMENDMENT REMARKS

Applicant(s) argue(s) that no new matter has been added in claims 1-26 (Amendment REMARKS page 8, paragraph 1).

Claim Rejections - 35 USC § 101

Applicant argues that claim 19 is within the category of statutory subject matter (Amendment REMARKS page 8, paragraph 3). Applicant's argument has been fully considered and is persuasive. The 35 USC 101 rejection of claim 19 is withdrawn.

Claim Rejections - 35 USC § 103

Applicant argues that the present invention includes analyzing learning behavior of said user during a learning process to customize the teaching material by dynamically modifying said teaching material presentation pattern based on the trait and the learning behavior of said user in contrast to *Siefert* USPN 5,810,605, *Minkus* USPN 5,122,952 and *Brown et al* USPN 6,206,700 (Amendment REMARKS page 10, paragraph 1). Applicant's argument has been fully considered, but is moot in view of new grounds of rejection.

The examiner agrees that *Siefert*, *Minkus* and *Brown et al* do not disclose this limitation. However, page 1, Introduction, paragraph 2, and page 2, paragraph 1 of *Andre et al* "Integrating Models of Personality and Emotions into Lifelike Characters" are cited individually and in combination for explicitly and inherently disclosing this subject

Art Unit: 2121

matter set forth in the claims by the applicants. Furthermore, page 9, The Role of Affect in Presence, paragraph 1 of *Andre et al* provides tailoring the presentation as the motivation and purpose for modifying *Siefert* while *Minkus'* Abstract and column 4, lines 16-32 of *Brown et al*, respectively, provide selecting and matching learning tools that possess developmental value and dynamically adapting to the user's particular learning strategies or needs.

As set forth above with regards to *Siefert*, *Minkus*, *Brown* and *Andre et al*, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, *Siefert's* Computerized repositories applied to education, *Minkus'* Method and apparatus for automated learning tool selection for child development, *Brown et al's* Apparatus and method for interactive adaptive learning by an individual through at least one of a stimuli presentation device and a user perceivable display and *Andre et al's* Integrating Models of Personality and Emotions into Lifelike Characters.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Greef et al*; USPN 6,032,129; Customer centric virtual shopping experience with actors agents and persona
- *Stemp et al*; USPN 6,401,094; System and method for presenting information in accordance with user preference
- *Ostman*; Synthetic Sentience on Demand; 1997; pp 1-17;
http://project.cyberpunk.ru/idb/synthetic_sentience.html
- *Homer*; A neural network model of personality; International Joint Conference on Neural Networks; Vol. 1; 10-16 July 1999; pp 103-108

Any inquiry concerning this communication or earlier communications from the Office should be directed to Meltin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:00 pm.

Art Unit: 2121

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB / *M.K.*
April 1, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600